

AMENDED IN ASSEMBLY MAY 24, 2013

AMENDED IN ASSEMBLY APRIL 11, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 720

Introduced by Assembly Member Skinner

February 21, 2013

An act to add Section 4011.11 to the Penal Code, relating to inmates.

LEGISLATIVE COUNSEL'S DIGEST

AB 720, as amended, Skinner. Inmates: health care enrollment.

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid Program provisions. Commencing January 1, 2014, the federal Patient Protection and Affordable Care Act expands eligibility under the Medicaid Program for certain groups. Existing federal law prohibits persons who are involuntarily incarcerated in jail from obtaining these services, but permits persons detained in jail, but not sentenced to jail, to be eligible for services, as specified.

This bill would require counties to designate an individual or agency, as specified, to ~~enroll~~ *assist* certain individuals held in county jail, as specified, ~~consistent with federal requirements to apply for health insurance affordability programs~~. The bill would provide that individuals who are currently enrolled in the Medi-Cal program ~~in the county where they reside~~ and who would become ineligible for benefits because of detention ~~before or after conviction shall have their benefits suspended and shall~~ retain enrollment in that program, *unless otherwise*

~~ineligible, as specified. The bill would require the individual or agency designated by the county, as specified, to supply appropriate information regarding the California Health Benefit Exchange to those individuals detained in a county jail who are not eligible for Medi-Cal benefits and who do not have health care coverage, 30 days before their scheduled release. The bill would state findings and declarations of the Legislature regarding the above.~~

By imposing additional duties on local governments, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Section 4011.11 is added to the Penal Code, to~~
- 2 ~~read:~~
- 3 ~~4011.11. (a) The Legislature finds and declares the following:~~
- 4 ~~(1) The federal Patient Protection and Affordable Care Act, also~~
- 5 ~~known as health care reform, is designed to ensure every American~~
- 6 ~~has access to affordable quality health care. To help ensure access,~~
- 7 ~~the federal low-income health insurance program, the Medi-Cal~~
- 8 ~~program in California, will be expanded to previously uncovered~~
- 9 ~~populations, including single men making less than 133 percent~~
- 10 ~~of the federal poverty level.~~
- 11 ~~(2) The cost of the Medi-Cal expansion will be fully paid by~~
- 12 ~~the federal government until 2017, when the federal government~~
- 13 ~~will cover 90 percent of the cost of the Medi-Cal expansion.~~
- 14 ~~(3) According to research done by the National Health Law~~
- 15 ~~Program, a large portion of individuals currently sentenced to~~
- 16 ~~county jail, and those recently released, are currently uninsured~~
- 17 ~~and may be eligible for Medi-Cal once released.~~
- 18 ~~(4) According to a study published in the American Journal of~~
- 19 ~~Public Health, many people coming out of county jail have~~

1 significant medical, mental health, and substance abuse needs that
2 are currently unmet.

3 (5) According to a study funded by the National Criminal Justice
4 Reference Service, individuals who are enrolled in Medicaid on
5 the day of release committed fewer repeat offenses, and the time
6 between offenses was longer.

7 (6) Therefore, it is the intent of the Legislature to enroll
8 individuals in county jail in the federally funded Medi-Cal program
9 to provide medical, mental health, and substance abuse services
10 to individuals when released from county jail, at no cost to the
11 state until 2017 and at minimal state cost beginning in 2017.

12 (b) Each county shall designate an individual or agency to enroll
13 the individuals described in subdivision (d) in the available
14 Medi-Cal program in that county, consistent with federal
15 requirements.

16 (c) The jail administrator, or his or her designee, shall coordinate
17 with the individual or agency designated pursuant to subdivision
18 (b).

19 (d) The individual or agency designated pursuant to subdivision
20 (b) shall enroll an inmate in the Medi-Cal program at any point
21 before release if all of the following conditions are met:

22 (1) The inmate has been in detention for at least 72 hours.

23 (2) The inmate will be eligible to be enrolled in the Medi-Cal
24 program upon release.

25 (e) Consistent with federal regulations, individuals who are
26 currently enrolled in the Medi-Cal program in the county where
27 they reside and who would become ineligible for benefits because
28 of detention before or after conviction shall have their benefits
29 suspended during detention and shall retain enrollment in the
30 program.

31 (f) The individual or agency designated pursuant to subdivision
32 (b) shall, 30 days before an inmate's scheduled release, supply
33 appropriate information regarding the California Health Benefit
34 Exchange to those individuals detained in a county jail who are
35 not eligible for Medi-Cal benefits and who do not otherwise have
36 health care coverage.

37 *SECTION 1. Section 4011.11 is added to the Penal Code, to*
38 *read:*

39 *4011.11. (a) Each county shall designate an individual or*
40 *agency to complete and submit an application for a health*

1 *insurance affordability program application for the individuals*
2 *described in subdivision (c) consistent with federal requirements.*

3 *(b) The jail administrator, or his or her designee, shall*
4 *coordinate with the individual or agency designated pursuant to*
5 *subdivision (a).*

6 *(c) The individual or agency designated pursuant to subdivision*
7 *(a) shall complete and submit an application for a health insurance*
8 *affordability program on behalf of an inmate in a county jail at*
9 *any time before release if both of the following conditions are met:*

10 *(1) The inmate has been in detention for at least 72 hours.*

11 *(2) The inmate appears potentially eligible to be enrolled in the*
12 *health insurance affordability program upon release.*

13 *(d) Consistent with federal regulations, individuals who are*
14 *currently enrolled in the Medi-Cal program shall not be terminated*
15 *from the program due to their detention unless required by federal*
16 *law, or they become otherwise ineligible.*

17 *(e) Notwithstanding any other provision of law, and only to the*
18 *extent that federal law allows, the state shall establish a process*
19 *to enable counties to obtain the maximum available federal*
20 *financial participation for administrative activities related to this*
21 *section.*

22 *(f) Notwithstanding any other provision of law, the individual*
23 *or agency designated pursuant to subdivision (a) is authorized to*
24 *act on behalf of an individual detained in county jail, for purposes*
25 *of applying for or a determination of eligibility for health insurance*
26 *affordability program.*

27 *(g) “Health insurance affordability program” means a program*
28 *that is one of the following:*

29 *(1) The state’s Medi-Cal program under Title XIX of the federal*
30 *Social Security Act.*

31 *(2) The state’s children’s health insurance program (CHIP)*
32 *under title XXI of the federal Social Security Act.*

33 *(3) A program that makes coverage in a qualified health plan*
34 *through the California Health Benefit Exchange established*
35 *pursuant to Section 100500 of the Government Code with advance*
36 *payment of the premium tax credit established under Section 36B*
37 *of the Internal Revenue Code available to qualified individuals.*

38 *(4) A program that makes available coverage in a qualified*
39 *health plan through the California Health Benefit Exchange*
40 *established pursuant to Section 100500 of the Government Code*

1 *with cost-sharing reductions established under Section 1402 of*
2 *the federal Patient Protection and Affordable Care Act (Public*
3 *Law 111-148) and any subsequent amendments to that act.*

4 *(h) Notwithstanding Chapter 3.5 (commencing with Section*
5 *11340) of Part 1 of Division 3 of Title 2 of the Government Code,*
6 *the department may implement this section by means of all-county*
7 *letters or similar instructions, without taking regulatory action.*

8 SEC. 2. If the Commission on State Mandates determines that
9 this act contains costs mandated by the state, reimbursement to
10 local agencies and school districts for those costs shall be made
11 pursuant to Part 7 (commencing with Section 17500) of Division
12 4 of Title 2 of the Government Code.